

DOMESTIC RELATIONS COMMITTEE

Judicial Education Center
541 E. Van Buren
Phoenix, AZ
Final Minutes (Revised)
September 5, 2008

MEMBERS PRESENT:

Honorable Linda Gray
Jodi Brown
Sidney Buckman
Daniel Cartagena
William Fabricius
Todd Franks
Grace Hawkins
Danette Hendry
Jeffery Hynes - telephonic
Honorable David Lujan

Patti O'Berry
Honorable Rebecca Rios
Donnalee Sarda
Ellen Seaborne
Russell Smolden
David Weinstock
Tom Wing
Steve Wolfson
Brian Yee

MEMBERS ABSENT:

Theresa Barrett
Honorable Timothy Bee
Honorable Andy Biggs
Honorable David T. Bradley
Honorable Beverly Frame

Honorable Leah Landrum Taylor
Ella Maley
George Salaz
Honorable Sally Simmons

PRESENTERS/GUESTS:

Honorable Elaine Fridlund-Horne
Honorable Joanne M. Brown
Kelli Most
Melissa Knight
Teresa Homosillo-Horne
Megan Hunter

Coconino County IFC Judge
Mark Morris Associates
Coconino County IFC - Coordinator
Pinal County IFC
Pinal County IFC
High Conflict Institute

STAFF:

Kathy Sekardi
Tama Reily
Amber O'Dell
Eden Rolland

Administrative Office of the Courts
Administrative Office of the Courts
State Senate
State House of Representatives

CALL TO ORDER

Without a quorum present, the September 5, 2008 meeting of the Domestic Relations Committee was called to order by Honorable Linda Gray, Co-Chair, at 10:00 am.

ANNOUNCEMENTS

Members and guests were introduced.

APPROVAL OF THE JULY 11, 2008 MEETING MINUTES

As a quorum was now present, the minutes for the July 11, 2008 Domestic Relations Committee were presented for approval.

MOTION: To approve the minutes of the July 11, 2008 Domestic Relations Committee meeting.

SECOND: Motion seconded

VOTE: Approved unanimously

SUBSTANTIVE LAW WORKGROUP REPORT

Steve Wolfson introduced Kendra Diegan, a parent who has worked with the workgroup on possible legislation to be introduced in January 2009, which would amend A.R.S. 25-403.05, A.R.S. 25-403.02, and A.R.S. 25-351. Ms. Diegan addressed the committee about the underlying goal of the legislation, which deals with sex offenders and those convicted of a dangerous crime against a child, who may have access to the child. Essentially it would require that parents notify each other immediately when they become aware that an individual who fits this description may have access to the child. This might include family members, friends, and/or acquaintances that could be present at certain family functions and gatherings.

Committee Questions/Comments:

- So you're trying to get at a family member who you would know?
 - Anytime the child is at the other parent's home and may be exposed to persons falling into the category. That may include guests, such as extended family or friends of a spouse.
- Should the parent be responsible to check such information published on the web?
 - It is not necessary for a parent to go out and seek the information. If the parents or guardians are notified or otherwise become aware, they are required to share that information.
- What is the consequence if a parent does not comply?
 - It would be handled just as any other matter where a parent did not comply with the parenting plan agreement.
- The bill requires that the notification to other parent be sent via certified mail, to ensure receipt of the notice.
- There is a concern that agencies will read this as imposing a duty. The policy is good, but Arizona does not have systems in place.

- It is easy to find registered sex offenders online. This puts the responsibility on the parents.

Senator Gray thanked Ms. Diegan and the workgroup, and asked that they make the changes to the draft, as discussed today, and bring it back to the next DRC meeting.

CREDIT ISSUES WORKGROUP REPORT

Todd Franks reported on the workgroup's current status. The workgroup have had extended meetings, and invited additional members to participate. They have included creditors' bankruptcy attorneys, debtors' bankruptcy attorneys, divorce attorneys, and judges, in an effort to broaden the group's approach to credit issues. The priority for this year will focus on changes to the statutes, the issue of omitted property, and the concealing of assets and debts.

AD-HOC "CUSTODY STATUTE" WORKGROUP DISCUSSION

Bill Fabricius addressed the committee on the possibility of creating a short-term (2-3 months) ad-hoc workgroup for the sole purpose of addressing changes to the custody statute (ARS 25-403 custody; best interest of the child). He explained that such a workgroup would be an opportunity for members who are currently on various other workgroups to participate as a group on this particular topic.

There was some discussion about how to manage incorporating this topic into already existing workgroups, such as the Substantive Law Workgroup, perhaps using every other meeting to deal with this topic alone, while continuing with its current work on alternating meeting dates. Several members indicated their interest in pursuing the issues raised by Mr. Fabricius. A sign-up sheet was passed around for members to sign if they are interested in participating in this workgroup. Possible establishment of an ad-hoc workgroup will be discussed and voted on at the next DRC meeting.

The Court Procedures workgroup has been subsumed into the Substantive Law workgroup.

CHILD CUSTODY EVALUATIONS

Brian Yee and David Weinstock gave a brief overview of the workgroup's main concerns on A.R.S. 25-403. There was extensive discussion regarding the lack of frequency with which custody evaluations actually occur in cases. Most cases are pro-per, or at times, one side is represented by an attorney, and only occasionally do they include evaluations. The court has charged the evaluators with making recommendations based on the child's best interests; however, personalities, emotions, and things of that nature highly influence recommendations. There is no fixed list of issues examined because situations vary so much from case to case. Issues addressed include whether there are emotional and/or behavioral disorders in parents, and/or various conditions/circumstances present, which prevent appropriate decision making. And in most cases, people cannot afford to pay for the type of evaluation that is warranted.

IFC PINAL COUNTY

Melissa Knight, Honorable Gilberto Figuerora, Amadore Rodriguez, and Teresa Homosillo-Horne spoke to the committee about the progress of the IFC Pinal County program, some of its successes, and reviewed some of the key ingredients that make the program so effective. These included combining multiple court cases to lessen court dates; having one-judge/one-family; coordination between agencies, such as probation, consolidation of attorneys on cases; case management; and improved ability to schedule cases more timely.

COCONINO COUNTY FINAL EVALUATION REPORT

Honorable Joanne Brown of Mark Morris Associates, Kelli Most, IFC Coordinator, and Judge Elaine Fridlund-Horne presented a review of the Coconino County IFC Final Evaluation Report. Some of the more statistically significant findings in the report were highlighted, as well as some of the successful developments, such as the children's and parents' education programs. A copy of the final report was provided in today's meeting materials.

Member Comments/Questions:

- When is state funding for the pilot program expected to end?
 - December 31, 2008
- Are there any other potential funding sources in sight?
 - Coconino County Board of Supervisors has agreed to fund (all services) until the end of the fiscal year (June 2009). Beyond that time, there are no other known sources at this time.
- Do you have any avenues to share your information with other counties statewide, so that interest might be sparked among them to develop an IFC program?
 - It is something we have thought of doing, possibly putting together a "best practices" outline; however, budget issues enter into this as well.

Ellen Seaborne mentioned that the IFC Workgroup is currently looking at finding a future "permanent" funding source so that it is not dependent upon budget. The workgroup expects to address the committee at the next meeting in regards to this issue, the possibility of developing a nonprofit "Friends of IFC" type of organization. Discussion ensued regarding locating possible funding sources for the program's sustainability.

"IT'S ALL YOUR FAULT" PRESENTATION

Megan Hunter, Vice President of High Conflict Institute, addressed the committee on the topic of high conflict people in family court cases, providing some of the typical features, patterns, and underlying problems of high conflict people. Brochures were provided to the committee with additional information on the Institute.

ADJOURN/CALL TO THE PUBLIC

No comments offered.

Meeting adjourned at 1:50

NEXT MEETING

October 3, 2008
State Courts Building
Conference Room 119 A/B
Phoenix, AZ 85007